



## Alcimedea 20–4

Valentine's Day is a particularly hectic time for Cupid, but despite his busy schedule, it seems that the winged maestro has recently fired some arrows towards the GMC.

Over the years, dating patients has been a contentious issue for many doctors and has landed more than a few shame-faced Roméos in front of our medical deities. However, is maintaining such strict boundaries always the correct and most reasonable option? Is it fair that a romantic dinner for two is a non-starter if you happen to be the only doctor in the village? Or if you are the GP running a practice single-handedly on a remote island, is it realistic for you to control your hormones of passion? Sadly, the prospect of happiness, leading to the joys of parenthood and subsequent poverty could be thwarted if "the chosen one" also happens to be facing you as a patient with a tickly cough or dicky tummy.

The GMC's updated version of "Good Medical Practice" has recently been published, with guidelines coming into effect on 22nd April 2013. This makes it quite clear that "You must not use your professional position to pursue a sexual or improper emotional relationship with a patient or someone close to them".<sup>1</sup>

On the other hand, it would seem that dating former patients is not so clear-cut. One of the GMC's sister publications, "Maintaining your professional boundary with a patient", states that "You must consider these issues carefully before pursuing a personal relationship with a former patient".<sup>2</sup>

[i.e. the length of the time since the professional relationship ended, the nature of the previous relationship, how vulnerable the patient was, and whether you will be caring for other members of the patient's family.]

Remove the sock and dip the toe: the water is asking to be tested. It's time for a daring doc to invite a former patient out for a candle-lit can of worms.

A recent report from the Institute of Advanced motorists has considered the financial cost to motorists for being convicted of drink driving. They estimated that a first time conviction will cost between £20,000 to £50,000, and reflects the variable fines as well as legal costs, loss of wages, and rising insurance premiums that will inevitably haunt the driver. The higher figure made the headlines and was announced by the Road Safety Minister Stephen Hammond in Leadenhall Market, London.<sup>3</sup> He stood next to a pint of beer that was housed in a protective glass case, surrounded by two burly security guards.

Gender-based abortion is sadly the ultimate in sex discrimination. As we are now all children of the Freedom of Information Act

2000, it is therefore ironic that the UK Department of Health has recently refused to reveal figures on this illegal issue, arguing that it is not in the public interest.<sup>4</sup> Presumably the Government is hiding behind the arch-nemesis of the FOIA, the Data Protection Act 1998.

Critics would argue that the main reason for failing to publish the figures is that the findings may stigmatise certain groups within society, where boys are favoured over girls. If that is the case, hiding the figures will certainly not address this underlying problem.

Meanwhile, on the subject of abortion, the US state of North Dakota has introduced the toughest abortion legislation in America.<sup>5</sup> Once a foetal heartbeat is detectable, it will be illegal to proceed with a termination. The law will take effect from 1st August 2013 and will make no distinction for those pregnancies that result from rape or incest, where there are genetic abnormalities, or where the mother's own health is at risk.

*"When I was a child, I spake as a child, I understood as a child, I thought as a child: but when I became a man, I put away childish things". Or so it says in 1Corinthians 13:11.<sup>6</sup>*

Variations of this famous quote are often read at weddings and funerals and it was also cited by President Obama in his inaugural speech in Jan 2009. It highlights the simple fact that children and adults act and think differently. As to when this transition occurs is less precise, as legal and biological ages do not necessarily correspond.

The role of the appropriate adult was established in law in the Police and Criminal Evidence Act 1984 (PACE), to protect against the exploitation of vulnerable adults and young people aged under seventeen. This age cut-off is therefore at odds with other legislation, most notably The Family Law Reform Act (FLRA) 1969, The Children Act 1989 and Article 1 of the United Nations Convention on Rights of the Child, where adulthood is achieved on the 18th birthday.

As a result of this age discrepancy, a high court challenge against PACE's cut-off of seventeen years has been initiated by the legal charity, Just for Kids Law.<sup>7</sup> They have been spurred on by the recent deaths of two seventeen year olds who committed suicide shortly after release from police custody.

Further legal submissions will follow in the coming months, but a change in the law will have implications for the provision of appropriate adults: it is believed that approximately 75,000 17 year olds are arrested in England and Wales every year.

The debate over naming rape suspects has been re-opened, or perhaps more accurately, it was never closed at all. The Chairwoman of the Bar Council, Maura McGowan, told BBC Radio 5 that

anonymity should be maintained unless a conviction is secured in the Courts.<sup>8</sup> The call has sparked debate on both sides, with the pro-anonymity lobby arguing “innocent until guilty” and the pro-naming groups claiming that such a change would offer too much protection to rapists.

## References

1. *Good medical practice*. GMC Publications; March 2013, paragraph 53.
2. *Maintaining your professional boundary with a patient*. GMC Publications; March 2013, paragraph 8.
3. *Drink driving: the hidden cost of a humble pint*. Department of Transport. Press Release, <http://pressreleases.dft.gov.uk/Press-Releases/Drink-driving-the-hidden-cost-of-a-humble-pint-68887.aspx>; March 2013.
4. *Government refuses to release gender abortion figures*. *The telegraph*. H Dixon. <http://www.telegraph.co.uk/health/healthnews/9916953/Government-refuses-to-release-gender-abortion-figures.html>; March 2013.
5. *North Dakota introduces toughest abortion law in US*. BBC News website, <http://www.bbc.co.uk/news/world-us-canada-21947705>; March 2013.
6. 1 Corinthians Chapter 13, Verse 11, New World Bible.
7. *Just for kids law challenge treatment of 17 year olds*. <http://www.justforkidslaw.org/pages/latest.html>; Feb 2013.
8. *Sex suspects “should not be named”*. The Guardian. <http://www.guardian.co.uk/society/2013/feb/17/sex-suspects-should-not-be-names-lawyer>; Feb 2013.